

Wells, Molly

Ex. C to Wells Decl.

From: Kovalenko, Nina <nkovalenko@paulweiss.com>
Sent: Thursday, August 3, 2023 6:20 PM
To: Wells, Molly
Cc: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; Swanson, James R.; Miller, Kerry; Reichard, Benjamin D.; Paschal, Hogan; Bergeron, Monica; Karp, Brad S; Beer, Alex; Adam Fels; Ehrlich, Andrew J
Subject: RE: FTX / Temasek

Molly:

We understand that issues of jurisdiction will be resolved by the Court after motion practice. What Plaintiff cannot do, however, is maintain two entirely duplicative suits filed in different jurisdictions—in other words, split Plaintiff's claims—in an apparent attempt to have two bites at the apple for personal jurisdiction. As we have stated, we reserve all rights on this issue, including with respect to Plaintiff's refusal to voluntarily dismiss the Florida complaint despite having filed another duplicative complaint in California in a futile attempt to gain personal jurisdiction, which presumably is the complaint your client is now pursuing.

With respect to your discovery requests, we agree that the proper course was (and continues to be) for Plaintiffs to withdraw their requests issued pursuant to the Florida complaint. Notwithstanding the Court's stay of all outstanding discovery this afternoon, we urge you to withdraw those requests, and—assuming you are pursuing the claims filed in California—to serve discovery in that action if and only if the complaint survives a motion to dismiss.

Temasek continues to reserve all rights.

Regards,
Nina

Nina Kovalenko | Associate
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Pronouns: She/Her/Hers

From: Wells, Molly <mwells@fishmanhaygood.com>
Sent: Thursday, August 3, 2023 12:16 PM
To: Kovalenko, Nina <nkovalenko@paulweiss.com>
Cc: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; Swanson, James R. <jswanson@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Reichard, Benjamin D. <breichard@fishmanhaygood.com>; Paschal, Hogan <hpaschal@fishmanhaygood.com>; Bergeron, Monica <mbergeron@fishmanhaygood.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>; Ehrlich, Andrew J <aehrich@paulweiss.com>
Subject: RE: FTX / Temasek

Good morning, Nina,

Sorry. Perhaps the confusion is on our end.

Regarding the personal jurisdiction issue, that will be decided by a judge at some point in the future as I alluded to in my last email.

With respect to the discovery, we will withdraw the requests and reissue them on Tuesday if that alleviates your concerns. We do not agree that discovery should be stayed. If you want a stay, then that issue will also have to be decided by a judge down the line.

Best,

Molly Wells
mwells@fishmanhaygood.com

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From: Kovalenko, Nina <nkovalenko@paulweiss.com>

Sent: Tuesday, August 1, 2023 12:38 PM

To: Wells, Molly <mwells@fishmanhaygood.com>

Cc: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; Swanson, James R. <jswanson@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Reichard, Benjamin D. <breichard@fishmanhaygood.com>; Paschal, Hogan <hpaschal@fishmanhaygood.com>; Bergeron, Monica <mbergeron@fishmanhaygood.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>; Ehrlich, Andrew J <aehrich@paulweiss.com>

Subject: RE: FTX / Temasek

Molly:

We do not understand what you are proposing. With respect to Temasek, will the master complaint pursue the claims originally filed in Florida, or those filed in California? As we have explained, Plaintiff cannot do both. And if Plaintiff is pursuing the claims filed in California, what is Plaintiff's plan with respect to the Florida complaint? That remains a separate civil action, distinct from the California case that will presumably be transferred to Florida. The claims in that case against Temasek should be voluntarily dismissed. If you fail to do so and we are required to move to dismiss them, we reserve all rights.

Further, the filing of the California complaint does not address Temasek's jurisdictional objections; as we told you on July 13, there is no general or specific jurisdiction over Temasek with respect to the claims in *O'Keefe* in any U.S. jurisdiction.

Please also confirm whether Plaintiffs will withdraw the discovery requests served pursuant to the Florida complaint. Otherwise, we will be forced to file a motion to stay discovery on Friday.

Regards,
Nina

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From: Wells, Molly <mwells@fishmanhaygood.com>
Sent: Thursday, July 27, 2023 11:30 AM
To: Ehrlich, Andrew J <aehrlich@paulweiss.com>
Cc: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; Swanson, James R. <jswanson@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Reichard, Benjamin D. <breichard@fishmanhaygood.com>; Paschal, Hogan <hpaschal@fishmanhaygood.com>; Bergeron, Monica <mbergeron@fishmanhaygood.com>; Karp, Brad S <bkarp@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>
Subject: FW: FTX / Temasek

Andrew,

The new action will soon be tagged and subsumed into the MDL, at which point it will be administratively closed pending remand. *See, e.g., In re Zantac (Ranitidine) Prods. Liab. Litig.*, 546 F. Supp. 3d 1152, 1182 (S.D. Fla. June 30, 2021). Moreover, in accordance with Judge Moore's orders, plaintiffs in the MDL will soon file a master complaint which will supersede the previously filed complaints. For these reasons, we believe that your concerns are premature. (And, in any case, self-generated: Plaintiffs were forced to file the new action to address defendants' jurisdictional objections.)

If you feel that the foregoing does not sufficiently address your concerns, you are of course free to seek whatever relief you consider necessary, and plaintiffs will counter in kind.

Best,

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From: Bergeron, Monica <mbergeron@fishmanhaygood.com>
Sent: Thursday, July 27, 2023 9:32 AM
To: Wells, Molly <mwells@fishmanhaygood.com>
Subject: FW: FTX / Temasek

Monica Bergeron
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From: Ehrlich, Andrew J <aehrich@paulweiss.com>
Sent: Thursday, July 27, 2023 7:57 AM
To: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; Swanson, James R. <jswanson@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Reichard, Benjamin D. <breichard@fishmanhaygood.com>; Paschal, Hogan <hpaschal@fishmanhaygood.com>; Bergeron, Monica <mbergeron@fishmanhaygood.com>
Cc: Karp, Brad S <bkarp@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>
Subject: RE: FTX / Temasek

Counsel:

I would appreciate the courtesy of an acknowledgment of our correspondence, and your position as to whether you intend, contrary to law, to pursue claims against Temasek under your original complaint now that you have filed a complaint asserting the same claims in the Northern District of California. We reserve all rights to raise this issue with the Court with no further notice to you, and to attach this correspondence and your lack of response.

Regards,
Andrew

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From: Ehrlich, Andrew J

Sent: Wednesday, July 26, 2023 11:50 AM

To: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; jswanson@fishmanhaygood.com; kmiller@fishmanhaygood.com; breichard@fishmanhaygood.com; hpaschal@fishmanhaygood.com; mbergeron@fishmanhaygood.com

Cc: Karp, Brad S <bkarp@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>

Subject: RE: FTX / Temasek

Counsel: Please get back to us today on the below. Thank you, Andrew

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From: Ehrlich, Andrew J

Sent: Monday, July 24, 2023 11:21 PM

To: jsaveri@saverilawfirm.com; swilliams@saverilawfirm.com; cyoung@saverilawfirm.com; lkessler@saverilawfirm.com; jswanson@fishmanhaygood.com; kmiller@fishmanhaygood.com; breichard@fishmanhaygood.com; hpaschal@fishmanhaygood.com; mbergeron@fishmanhaygood.com

Cc: Karp, Brad S <bkarp@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>

Subject: FTX / Temasek

Counsel:

We see that you have filed claims against Temasek in the Northern District of California, which we note that you will seek to have transferred to the Southern District of Florida by the MDL Panel as a tag-along action.

We further assume, therefore, that you are no longer pursuing the claims filed directly in the Southern District of Florida, given that the same plaintiff cannot pursue claims against the same party in two separate civil actions, but we would appreciate confirmation of the same. *Vanover v. NCO Fin. Servs., Inc.*, 857 F.3d 833, 843 (11th Cir. 2017). As such, we further assume that any discovery served pursuant to the Florida complaint is now withdrawn, given that the Florida claims can no longer be pursued, and there thus are no active claims against Temasek in the Southern District of Florida.

We look forward to hearing from you promptly on these issues given forthcoming deadlines under the MDL court's scheduling order, and so that we can seek relief from the Court as necessary.

Regards,
Andrew

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